

## **Victim Compensation and Government Claims Board**

### **Proposed Amended Regulation: Title 2, California Code of Regulations, Section 649.11.**

#### **Initial Statement of Reasons**

**Summary.** The Victim Compensation and Government Claims Board (Board) amends California Code of Regulations, title 2, section 649.11, concerning eligibility for an emergency award in the Victim Compensation Program (program).

**Purpose and Rationale for Amended Regulation.** The proposed amended regulation implements a new statutory standard, effective January 1, 2003, governing emergency awards. An emergency amended regulation that is substantially similar to the proposed amended regulation was effective February 3, 2003.

*Proposed section 649.11 Emergency Awards..* The amended section establishes the process for applying for an emergency award and the standard by which eligibility shall be determined.

*Subsection (a)* provides that a person can apply for an emergency award on the regular program application. This gives the Board flexibility to determine the process to apply for an emergency award.

*Subsection (b)* requires the Board to expedite the processing of a request for an emergency award. It authorizes verification by telephone, by electronic transmission and by fax so that a decision may be promptly made and communicated to the applicant.

*Subsection (c)* interprets the statutory standard by which an emergency award may be made. It defines “substantial hardship” in terms of financial hardship that is a direct result of the qualifying crime.

*Subsection (d)* interprets the statutory standard governing the amount of an emergency award. It defines “immediate financial need” in terms of financial assistance needed as a direct result of the qualifying crime.

*Subsections (e) and (f)* require that sufficient information be provided to determine eligibility for and the amount of an emergency award. It provides that the amount of the requested emergency award shall be considered when determining the information required to verify eligibility for it. It also provides that if sufficient information is not provided, a request for an emergency award shall be processed as a regular program application. These provisions are necessary to facilitate efficient verification of eligibility for an emergency award.

**Mandated Use of Specific Technologies or Equipment.** The Board has determined that the proposed amended regulation does not mandate the use of specific technologies or equipment.

**Identification of Documents Relied Upon.** The Board did not rely upon any technical, theoretical, or empirical studies, reports, or other documents in proposing the amended regulation.

**Description of Reasonable Alternatives to the Proposed Amended Regulation.** There were no reasonable alternatives for the Board to consider. The proposed regulation is required by a statutory change that went into effect on January 1, 2003.

**Description of Reasonable Alternatives to Lessen Adverse Impact on Small Business.** The Board has determined that the proposed amended regulation does not have a significant adverse impact on small business, so there is no need to lessen any adverse impact on small business. The proposed amended regulation governs eligibility for emergency awards which do not impact small businesses.